

Libertarian Party of Illinois

APR 28 12:10 PM '96
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Wednesday April 24, 1996

FEDERAL ELECTION COMMISSION
Office of the General Counsel
999 E Street, NW
Washington, DC 20463

RE: Mr. Vincent R. Tallman's letter of April 3, 1996 - Statement of Organization -
Request for an advisory opinion

Gentlemen:

In Mr. Vincent R. Tallman's letter of April 3, 1996 (copy attached), he indicated that the Commission needed to determine if we were a state committee of a political party. In response to his request and as per instructions received from Ms. Erica McMahon of the FEC Information office, we hereby are petitioning the Commission for their advisory opinion if we satisfy the criteria for state party status.

Following is what we believe to be the criteria that qualify us as the state committee of the Libertarian Party of Illinois:

1. Attached is a copy of the by laws of the "Libertarian Party of Illinois" (LPI) which includes the nomination of statewide candidates at its annual convention (Rule VI - STATEWIDE CONVENTION - Section 1).
2. The STATE ORGANIZING COMMITTEE (Bylaw IV) is designated to "oversee the Party's affairs".
3. The LPI petitioned and received ballot access for statewide, state candidates for the 1994 election (i.e. Governor, Lt Governor, Secretary of State, Comptroller, Attorney General, etc.).
4. The party received sufficient votes (5% for one statewide race) in the November 1994 election and therefore qualified for the ballot in 1996. In November 1996 we will be running a candidate for President and U.S. Senate. The 1996 U.S. Senate candidate was nominated by the LPI at its state convention.



We believe the above qualifies the Libertarian Party of Illinois as the state committee of a political party as defined by the 2 U. S. C. §431 (15 & 16).

Please provide us with your advisory opinion regarding same.

If you have any questions or require additional information, please advise. You may contact me at 847-583-2316 or a Mr. William Muench at 847-439-0200, extension 243. Mr. Muench is assisting me in the filing of this request .

Sincerely,

A handwritten signature in black ink that reads "James A. Boyd" with a stylized flourish at the end.

**James A. Boyd, Treasurer
Libertarian Party of Illinois**

**CC: Mr. Vincent R. Tallman - Federal Election Commission
999 E Street, NW
Washington DC 20463**

J. Elliott
P.1

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARY

Post #	Fax Note	7671	Date	4/16/96	Page	1
To	BILL MUENCII		From	TIM BOYD		
Co./Dept.			Co.			
Phone #			Phone #	202/503-2316		
Fax #	247/381-7602		Fax #	700/456-8924		

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FEDERAL ELECTION COM
WASHINGTON, D.C. 20463

APR 3 1996 RQ-1

James A. Boyd, Treasurer
Libertarian Party of Illinois
1602 Colonial Parkway
Inverness, IL 60067

RE: AOR 1996-27
[Enclosures from requester]

Identification Number: C00315713

Reference: Statement of Organization dated 3/17/96

Dear Mr. Boyd:

This letter is prompted by the Commission's preliminary review of your Statement of Organization. The review raised questions concerning certain information contained in the Statement. An itemization follows:

-Your Statement of Organization indicates in Line 5(d) that you are a state committee for the Libertarian Party. A state committee is defined as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the state level, as determined by the Commission. 2 U.S.C. §431(15).

Please be advised that before using the contribution limits and/or statutes applicable for state parties, your committee must petition the Commission in the form of an advisory opinion to determine if it satisfies the criteria for state party status.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Vincent R. Tallman

Vincent R. Tallman
Reports Analyst
Reports Analysis Division

BY LAWS OF THE LIBERTARIAN PARTY OF ILLINOIS
As amended through April 23, 1994

BYLAW I. NAME

The name of this organization shall be the "Libertarian Party of Illinois", hereinafter referred to as the "Party."

BYLAW II. PURPOSE

The purpose of the Party shall be to promote the ideals specified in the National Libertarian Party Statement of Principles by any means consistent with those principles.

BYLAW III. MEMBERSHIP

Section 1. A Party member shall be any person whose dues are current.

Section 2. The name and address of Party officers, State Organizing Committee members, and Judicial Committee members shall be printed in the first edition of the Party newsletter following the State Convention. Members shall have access to minutes of the past two years' State Organizing Committee meetings and State Convention business sessions.

Section 3. Except as provided in Section 2 of this Bylaw, the distribution of the name of, and any information about, any Party member shall be limited upon request of that person to the Chair.

BYLAW IV. STATE ORGANIZING COMMITTEE

Section 1. There shall be a State Organizing Committee consisting of elected Party officers and elected representatives of affiliated clubs to oversee the Party's affairs.

Section 2. Officers

- (a) The officers of the Party shall be a Chair, a Northern Vice Chair, a South-Central Vice Chair, a Recording Secretary, a Corresponding Secretary and a Treasurer

(b) All officers shall be residents of Illinois and Party members. No Party officer shall be an officer in any other political party. Disputes arising under this Section shall be settled by the Judicial Committee by a four-fifths vote.

(c) No Party officers shall be combined.

(d) Beginning with the 1995 convention, terms of office shall be two years from the close of the State Convention at which the officers were elected until the close of the State Convention two years hence.

Section 3. Election and Replacement

(a) Each Party officer shall be elected by a majority vote at the State Convention.

(1) The Vice Chairs shall be elected only by Party members from their respective regions who attend the State Convention business session. Nominations may be made in a caucus of region members qualified to vote at the State Convention in a meeting preceding the business session.

(2) Other officers shall be elected by the entire State Convention.

(b) The State Organizing Committee shall decide by majority vote which Vice Chair shall succeed to the Chair and determine the geographical areas to be served by each Vice Chair.

(c) The State Organizing Committee shall fill vacancies in the offices.

(d) A State Organizing Committee member may be removed by a three-fourths vote of the State Organizing Committee.

Section 4. Duties

(a) The State Organizing Committee shall:

(1) Hold meetings at least quarterly.

(2) On written request of any Party member, consider convening the Judicial Committee.

(3) Determine the date, location and agenda of the State Convention

(4) Choose or replace a Newsletter Editor, whose term shall be one year beginning one month after the State Convention.

(5) Choose or replace a Data Base Coordinator, whose term shall be one year beginning one month after the State Convention.

- (6) Determine whether any Party office is vacant.
 - (7) Determine membership dues and period of membership.
 - (8) Perform such other duties as may from time to time be necessary.
 - (9) The quorum necessary to hold an SOC meeting shall be five (5), at least three of whom shall be State Party Officers; the other two (2) shall be official representatives of certified Clubs or Officers.
- (b) The Executive Board shall:
- (1) Consist of all elected officers.
 - (2) Call emergency meetings of the State Organizing Committee if necessary.
 - (3) Perform such other duties as may from time to time be necessary.
- (c) Officers' duties shall include but not be limited to the following:
- (1) Chair
 - (i) Preside over Executive Board and State Organizing Committee meetings and State Convention business sessions.
 - (ii) Serve ex-officio on all committees formed by the State Organizing Committee.
 - (iii) Set the agenda for State Organizing Committee meetings.
 - (2) Northern Vice Chair
 - (i) Chair if appointed by the State Organizing Committee.
 - (ii) Coordinate CDCC's in Congressional Districts 1 through 10
 - (3) South-Central Vice Chair
 - (i) Chair if appointed by the State Organizing Committee.
 - (ii) Coordinate CDCC's in Congressional Districts 11 through 20.

- (4) Recording Secretary
- (i) Keep all official Party records.
- (ii) Take accurate minutes and submit them in writing for State Organizing Committee approval.
- (iii) Distribute the proposed agenda of the upcoming State Organizing Committee meeting and the minutes of the most recent meeting to State Organizing Committee members, committee chairs, local club chairs, and the Newsletter Editor prior to each meeting.
- (5) Corresponding Secretary
- (i) Conduct all official correspondence between the Party and other bodies and individuals.
- (6) Treasurer
- (i) Receive, record and disburse all Party funds.
- (ii) Prepare a budget for the calendar year, to be approved by the State Organizing Committee and transmitted to the next Treasurer at the term's conclusion.
- (iii) Get Executive Board approval for any non-budgeted item exceeding \$50.
- (iv) Distribute written monthly financial reports to the State Organizing Committee.
- (v) Present a detailed annual income statement at the State Convention, with copies to be made available to all Party members.
- (7) State Organizing Committee Representatives
- (i) Report membership number and local activities to the State Organizing Committee.

BYLAW V. JUDICIAL COMMITTEE

Section 1. Election and Duties

- (a) There shall be a Judicial Committee which may at its discretion and upon the request of any Party member resolve disputes in the following matters: concerning interpretation of these ByLaws, among affiliated clubs, and referred to it by or involving the State Organizing Committee.

Section 2. The Judicial Committee shall consist of five members, three elected for overlapping three-year terms by the State Convention, and two elected for one-year terms by the State Organizing Committee at its first official meeting after the State Convention.

Section 3. No person may serve simultaneously on the State Organizing Committee and the Judicial Committee. Qualifications for serving on the Judicial Committee are the same as those for Party officers.

Section 4. Decisions of the Judicial Committee shall be rendered within sixty days of the date of submission of the question.

Section 5. Any vacancy on the Judicial Committee shall be filled by a majority vote of the State Organizing Committee. The acting Judicial Committee member shall serve until the next State Convention, at which time the Convention shall elect a replacement to serve out the remainder of the term.

Section 6. Any question submitted to the Judicial Committee shall be resolved in a hearing open to Party members. When the question submitted involves expulsion or discipline of a Party member, that member may choose to have a closed hearing. When an open hearing is to be held, all Party members shall be notified of the time, date, and place of that hearing thirty (30) days prior to the hearing.

Section 7. All meetings of the Judicial Committee shall be conducted in accordance with the current edition of Robert's Rules of Order, Newly Revised.

Section 8. Questions before the Judicial Committee shall be resolved by majority vote.

Section 9. Any decision of the Judicial Committee may be appealed to the general membership at a State Convention.

BYLAW VI. LOCAL CLUBS

Section 1. Any five Party members who wish to form a local club and affiliate with the Party in the sense of these Bylaws may so petition the State Organizing Committee. Each affiliated club shall have one representative on the State Organizing Committee. No Party member shall be listed for purposes of State Organizing Committee voting representation as a member of more than one local club.

Section 2. Each local club shall, prior to recognition by the State Organizing Committee, and annually within thirty (30) days following each State Convention, submit credentials to the Recording Secretary consisting of the following:

(a) The local club's Bylaws.

(b) A list of the current local club officers and State Organizing Committee representative.

Section 3. Any changes in or additions to a local club's Bylaws, officers, or State Organizing Committee representatives shall be communicated to the Recording Secretary.

Section 4. Geographically defined local clubs that are located where the Party is an established political party under the laws of Illinois shall function as authorized political committees. These local clubs, when affiliated with the Party, shall have all of the rights and privileges granted to such committees in Bylaw X. These local clubs may also act in all functions which are generally permitted to local political organizations by the laws of Illinois.

BYLAW VII. STATE CONVENTION

The annual State Convention will be held at a time and place to be determined by the State Organizing Committee. Announcement will be made to all Party members no fewer than sixty (60) days before the Convention.

BYLAW VIII. MAILING LIST

Section 1. The State Organizing Committee shall maintain a mailing list of those people who have expressed an interest in the Party. Such list, and all future additions, shall be the sole property of the Party.

Section 2. Any uses of the mailing list, other than for official Party business, must first be approved by a three-fifths vote of the State Organizing Committee. The mailing list shall be coded so that any person may request to have his or her name removed from any part of the mailing list released to other organizations.

Section 3. All authorized political committees will, as a condition of authorization, make all names of persons interested in campaigns available to the Party for inclusion in the Party mailing list.

BYLAW IX. ENDORSEMENT OF OTHER PARTIES OR CANDIDATES

The party shall not fund or advocate the election of a candidate of any other political party.

BYLAW X. AUTHORIZED POLITICAL COMMITTEES

Section 1. An "authorized political committee" is one which is permitted access to the Party mailing list only during the period of authorization and only on behalf of such candidate, candidates, or activities as represented by the committee at the time of its authorization, unless provided by the State Organizing Committee.

Section 2. An authorized committee for political campaigns must be endorsed by the State Organizing Committee.

Section 3. All authorized political committees shall meet the following conditions:

- (a) A committee can finance only candidates endorsed by the Party.

(b) All officers of the committee shall be current Party members, except the treasurer, who may be a certified public accountant or accounting firm.

(c) The committee shall make financial reports available to the State Organizing Committee upon request.

BYLAW XI. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the conduct of State Organizing Committee meetings unless inconsistent with these Bylaws.

BYLAW XII. AMENDMENT

Section 1. Except as provided in Section 2 of this Bylaw, these Bylaws may be amended by a two-thirds vote of a State Convention. Proposed amendments shall be submitted to the Recording Secretary no fewer than forty-five (45) days before the State Convention business session, and the proposed amendments shall be published and mailed to the Party membership no fewer than thirty (30) days before the business session.

Section 2. When the Party becomes an established political party, as determined by the State Board of Elections under the laws of Illinois, the Judicial Committee, with the approval of the State Organizing committee, shall amend these Bylaws only in order to conform to law.

**CONVENTION RULES
OF THE LIBERTARIAN PARTY OF ILLINOIS**

RULE I. STATE CONVENTION

Section 1. There shall be an annual State Convention at which all Party officers, and National Convention delegates, are elected and statewide candidates are nominated.

Section 2. There shall be a business session to consider Party finances, Bylaw changes, and a membership report.

Section 3. No Party member shall be charged admission for the business session.

Section 4. Business session minutes shall be treated as regular minutes as stipulated in Bylaw IV, Section 4(c)(4)

Section 5. The interval between consecutive State Conventions shall be no fewer than ten months and no greater than fifteen months.

RULE II. VOTING

Section 1. Any person who is a Party member in good standing for the thirty days immediately preceding the State Convention and who is present at the Convention business session may vote. Persons whose membership expired within the previous four years may attain good standing by renewing this membership prior to the opening of the business session.

Section 2. Any person who is a Party member in good standing may give a proxy to any other person who is a member in good standing. No person may hold more than five proxies. Proxies may not be transferred among recipients, and must be recorded by the secretary prior to the start of the State Convention business session. Valid proxies are to be treated in the same manner as votes personally cast in all matters, including the determination of quorums, majorities, pluralities, etc.

Section 3. A Party member in good standing is one who meets the requirements of Bylaw III.

Section 4. A quorum for conducting State Convention business sessions shall be a minimum of fifteen (15) Party members in good standing who are qualified under Section 1. of this Rule.

RULE III. ELECTION PROCEDURES FOR OFFICERS

Section 1. All candidates for Party offices may declare their candidacy at any time without prior notice.

Section 2. Nominating speeches shall be no longer than two minutes each. There shall be no more than two seconding speeches of no longer than one minute each.

Section 3. "None of the above" shall automatically be a candidate for each office.

Section 4. Elections shall, at the request of any party member, be by secret ballot.

Section 5. Any candidate getting a number of votes equal to a majority of people voting shall be elected.

Section 6. After the results of the second (and subsequent) ballots are announced, the candidate with the fewest votes will be dropped from consideration, except "None of the above".

RULE IV. NATIONAL CONVENTION DELEGATES

In years when delegates, alternates, or other representatives are to be elected to the National Convention, the following rules shall apply:

Section 1. Each candidate shall nominate him-or herself or otherwise indicate a willingness to serve.

Section 2. No person who is not an Illinois resident and current Party member shall be a candidate.

Section 3. The election shall be by secret ballot and each person (or proxy) may vote for as many delegates as allotted by the National Committee to Illinois, but no one shall cast more than one vote for each delegate.

Section 4. Candidates shall be ranked by total votes and the secretary shall record the ranking. The first and subsequent ranks are delegates, up to the number allotted by the National Committee. Thereafter, candidates are alternates, with floor preference determined by their ranking. The rankings are to be settled by a coin toss.

Section 5. After the results are announced, the Chair shall call the question, "Does the Convention reaffirm this vote?" If the question fails, each delegate will run individually against "None of the above". If any delegate receives fewer votes than "None of the above", he or she will be stricken from the delegate list.

RULE V. DEBATE

The following shall apply during debate:

Section 1. Each proposed rule or amendment shall be debated for a maximum of ten minutes. Debates may be extended or closed by a two-thirds vote.

Section 2. The Chair of the Convention may require that any motion be made in writing, signed by the maker, and delivered to the Convention secretary.

Section 3. Voting shall be by voice vote, except where stated otherwise in these Convention Rules. A show of hands or rising vote may be taken at the request of any Party member.

RULE VI. STATEWIDE ELECTIONS

Section 1. Statewide candidates shall be nominated at the State Convention, unless this task is delegated in whole or in part to the State Organizing Committee by a two-thirds vote of the State Convention.

Section 2. All statewide candidates must meet eligibility requirements for their offices and must have expressed a willingness to accept the nomination.

Section 3. Until the Party becomes an established party under Illinois law, presidential electors are not required to live in separate Congressional districts.

Section 4. In the event that a statewide candidate or presidential elector resigns or changes residence, the State Organizing Committee may appoint a replacement.

RULE VII. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the conduct of the State Convention unless inconsistent with these Convention Rules.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 3, 1996

James A. Boyd, Treasurer
Libertarian Party of Illinois
1602 Colonial Parkway
Inverness, IL 60067

Dear Mr. Boyd:

This refers to your letter dated April 24, 1995, which requests advice concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the possible status of the Libertarian Party of Illinois ("the Illinois Party") as a State Party committee of the Libertarian Party of the United States of America ("the National Party").

As evidence of your possible status you submit a copy of the bylaws of the Libertarian Party of Illinois. You also present evidence, which is substantiated by publicly available sources, of the success of the Illinois Party in obtaining ballot access for its Federal candidates in 1994 and 1996.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

Your inquiry requires a more complete description of the facts in order to proceed with an advisory opinion. Article II of the Illinois Party Bylaws states that the purpose of your Party is "to promote the ideals specified in the National Libertarian Party Statement of Principles by any means consistent with those principles." Please provide official documentation from the national committee of the Libertarian Party that confirms the Illinois Party's affiliation with the National Party. For illustrative purposes, enclosed with this letter is correspondence provided by the Natural Law Party of Texas, which was used to corroborate their ties to the U.S. Natural Law Party. The evidence you provide need not, however, be identical. For your information and guidance, also enclosed is a copy of Advisory Opinion 1995-49 which examined the claim of the Texas Natural Law Party to be a State Party committee.

After receiving the above information, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process, the materials enclosed, or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
N. Bradley Litchfield
Associate General Counsel

Enclosures:
Sample Correspondence
Advisory Opinion 1995-49

Libertarian Party of Illinois

RECEIVED
FEDERAL ELECTION
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OFFICE OF GENERAL
COUNSEL

AOR 1996-27 JUN 27 11 31 AM '96

Saturday June 15, 1996

FEDERAL ELECTION COMMISSION
Office of the General Counsel
ATTN: N. Bradley Litchfield, Assoc. General Counsel
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 20 11 05 PM '96

RE: Mr. N. Bradley Litchfield's letter of May 3, 1996 - Documentation of affiliation

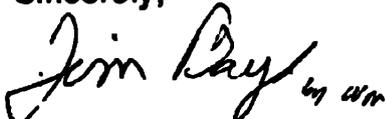
Dear Mr. Litchfield:

In your letter of May 3, 1996, you indicated that the Commission needed "...official documentation from the national committee of the Libertarian Party that confirms the Illinois Party's affiliation with the National Party."

Attached is a letter from Mr. Steve Dasbach, Chairman of the Libertarian National Committee, Inc., confirming that affiliation.

If you have any questions or require additional information, please advise. You may contact me at 847-583-2316 or a Mr. William Muench at 847-439-0200, extension 243. Mr. Muench is assisting me in this matter .

Sincerely,



James A. Boyd, Treasurer
Libertarian Party of Illinois





**Federal Election Commission
ATTN: N. Bradley Litchfield, Assoc. General Council
999 E Street, NW
Washington DC 20463**

June 8, 1996

Dear Mr. Litchfield:

This letter confirms that the Libertarian Party of Illinois is an officially recognized affiliate of the national Libertarian Party (the Libertarian National Committee, Inc.).

**The address of the Libertarian Party of Illinois is:
1602 Colonial Parkway
Inverness, IL 60067**

**The Chairman of the Libertarian Party of Illinois is:
Mike Ginsberg**

If you have any questions about this, please feel free to contact our national headquarters in Washington, DC at (202) 333-0008, and ask for our National Director Perry Willis. Or, call me personally at (219) 432-7145

Sincerely,

A handwritten signature in black ink that reads "Steve Dasbach". The signature is written in a cursive, slightly slanted style.

**Steve Dasbach,
Chairman
Libertarian National Committee, Inc.**